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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,208	11/21/2005	Pepijn Martens	13438/2	7660
23838	7590	09/21/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/541,208

Applicant(s)

MARTENS ET AL.

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050705.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification lacks the proper section headings, and does not appear to be in the proper form for a US application.

Appropriate correction is required.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention.

a. Regarding claim 2, it is not clear how the distal portion could cover *only* the proximal phalanx of the index finger while also covering the middle phalanx of the index finger. To expedite prosecution, the examiner will interpret the claim as if “only” were not included.

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 2, 5, 6, 11, 13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, US 5,779,113 (hereafter Huang) in view of Doynov, US 2002/0163495 A1 (hereafter Doynov).

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a. Regarding claim 1:

Huang teaches a watch assembly comprising a case housing the watch mechanism (10, Fig. 2) and the display screen, actuator means for actuating the mechanism external to the case and connected to the mechanism by connection means (watch must inherently have some actuator means for controlling the watch, i.e. by adjusting the display to show the proper time), and a wristlet supporting the actuator means, the connection means, and the case, the case being placed on the back of the hand, the assembly being characterized in that the wristlet comprises a flexible piece comprising: a) a proximal portion (20 Fig. 2) for surrounding the wrist; b) a distal portion (20, Fig. 2) for surrounding at least the first phalanx at the base of the index finger; and c) an intermediate portion (12, Fig. 2) for extending over the back of the hand between said proximal and distal portions and supporting the case.

Huang does not teach that at least one actuator means is mounted laterally on the distal portion of the wristlet so as to be actuatable by the thumb of the same hand.

Doynov teaches a multi-functional ergonomic interface for operating electronic equipment (¶ 2), including a wristlet (10, Fig. 1) supporting the actuator means, and the connection means, the connection means placed on the back of the hand, the assembly being characterized in that the wristlet comprises a flexible piece comprising: a) a proximal portion (13, Fig. 1) for surrounding the wrist; b) a distal portion (11, Fig. 1) for surrounding at least the first phalanx at the base of the index finger; and c) an intermediate portion for extending over the back of the hand between said proximal and distal portions that includes at least one actuator means (12, Fig. 1) and is mounted laterally on the distal portion of the wristlet so as to be

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actuatable by the thumb of the same hand. This allows for control of an electronic device by one hand in a simple and ergonomic design (§ 14).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Huang to include at least one actuator means mounted laterally on the distal portion of the wristlet so as to be actuatable by the thumb of the same hand, because Doynov teaches that this would allow the user to operate the watch with only one hand, while providing a simple and ergonomic design.

b. Regarding claim 2, the combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 1 above. Doynov, as combined with Huang, also teaches wherein the distal portion of the wristlet (11, Fig. 1) is configured to surround only the proximal phalanx and possibly also the middle phalanx of the index finger (see Fig. 2, which shows item 11 on the hand).

c. Regarding claims 5 and 17, the combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claims 1 and 2 above. Huang, as combined with Doynov, also teaches wherein the actuator means and the connection means are flexible (Fig. 2 shows item 10 flexing with the hand and finger).

d. Regarding claims 6 and 18, the combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claims 1 and 2 above. Doynov, as combined with Huang, also teaches wherein the flexible piece in which the wristlet is made comprises a layer of flexible material, in particular elastomer material, having the connection means and the actuator means integrated therein (Fig. 2 shows that 11 must be flexible, as it is worn on the user's finger, and

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the user's finger must be able to bend to properly type on the keyboard).

e. Regarding claim 11:

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 1 above. Huang also teaches wherein the case has a shape with its major axis extending in the longitudinal direction of the hand, the two opposite sides of the intermediate portion closely tracking the shape configuration. (see Fig. 2).

The combination of Huang and Doynov does not teach a case with an oval shape.

It has been held that mere changes in shape are not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(IV)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Huang so that the shape of the case was an oval, because a person having ordinary skill in the art would know that an oval is an acceptable equivalent shape to other shapes, and one that would provide a suitable watch that would allow time information to be presented to the user.

f. Regarding claim 13, the combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 1 above. Doynov, as combined with Huang, also teaches wherein the distal portion of the wristlet is designed to surround the proximal phalanx and the middle phalanx and includes a transverse cutout situated in register with the joint between the proximal and middle phalanges of the index finger (see cutout in item 11 in Fig. 1, and item 11 on finger in Fig. 2).

8. Claims 3, 4, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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Huang in view of Doynov as applied to claims 1 and 2 above, and further in view of Yuzuki, US 6,324,124 B1 (hereafter Yuzuki).

a. Regarding claims 3 and 15:

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claims 1 and 2 above. Doynov, as combined with Huang, also teaches wherein two distinct actuator elements are mounted laterally and longitudinally on the distal portion of the wristlet (see Fig. 1).

The combination of Huang and Doynov does not teach wherein the actuators are specifically for actuating an ON/OFF control, and an element for actuating an intermediate time control.

Yuzuki teaches a electronic timepiece with a plurality of functions, including an alarm, a chronograph, and a timer, including an ON/OFF switch and a switch for actuating an intermediate time control (col. 7, ll. 46-51).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Huang by replacing the simple watch disclosed by Huang with the advanced, multifunction watch of Yuzuki, including actuators specifically for actuating an ON/OFF control, and an element for actuating an intermediate time control, because a person having ordinary skill in the art would have been motivated to provide a functional, feature-packed watch to increase the utility of the watch device to the user.

b. Regarding claims 4 and 16:

The combination of Huang and Doynov teaches all that is claimed as discussed in the

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rejection of claims 1 and 2 above. Doynov, as combined with Huang, also teaches wherein two distinct actuator elements are mounted laterally and longitudinally on the distal portion of the wristlet (see Fig. 1).

The combination of Huang and Doynov does not teach wherein the actuators are specifically for actuating an ON/OFF control, and an element for actuating an intermediate time control, or a first element disposed on the side of the index finger, and a second element disposed beside the first element, e.g. on the back of the index finger.

It has been held that mere rearrangement of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(VI)(C).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Huang wherein a first element is disposed on the side of the index finger, and a second element is disposed beside the first element, e.g. on the back of the index finger, because a person having ordinary skill in the art would have been motivated by the nature of the problem to be solved, i.e. the optimal ergonomic arrangement for easy operation by one hand, to rearrange the actuators to find their optimal placement.

Yuzuki teaches a electronic timepiece with a plurality of functions, including an alarm, a chronograph, and a timer, including an ON/OFF switch and a switch for actuating an intermediate time control (col. 7, ll. 46-51).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Huang by replacing the simple watch disclosed by Huang with the advanced, multifunction watch of Yuzuki, including actuators specifically for actuating

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an ON/OFF control, and an element for actuating an intermediate time control, because a person having ordinary skill in the art would have been motivated to provide a functional, feature-packed watch to increase the utility of the watch device to the user.

9. Claims 7, 8, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Doynov as applied to claims 5 and 6 above, and further in view of Yaniger, US 5,302,936 (hereafter Yaniger).

a. Regarding claims 7 and 19:

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 6 above.

The combination of Huang and Doynov does not teach wherein the actuator means are constituted by a powder which is locally mixed in the layer of flexible material and which presents electrical resistance that varies as a function of the pressure that is exerted thereon.

Yaniger teaches a conductive particulate force transducer that uses a powder (16, Fig. 1) which is locally mixed in the layer of flexible material ("flexible," col. 2, l. 34) and which presents electrical resistance that varies as a function of the pressure that is exerted thereon (col. 2, ll. 29-33). Such a transducer has stable, predictable performance characteristics independent of manufacturing conditions, and a small cost of manufacture (col. 1, ll. 51-57).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Huang wherein the actuator means are constituted by a powder which is locally mixed in the layer of flexible material and which presents electrical resistance that varies as a function of the pressure that is exerted thereon, because Yaniger

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teaches that this type of actuator has stable, predictable performance characteristics independent of manufacturing conditions, and a small cost of manufacture.

b. Regarding claims 8 and 20:

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claims 5 and 6 above.

The combination of Huang and Doynov does not teach wherein the actuator elements are formed by silkscreen printing.

Yaniger teaches a conductive particulate force transducer that uses a powder, wherein the actuator elements are formed by silkscreen printing (col. 1, l. 65). Such a transducer has stable, predictable performance characteristics independent of manufacturing conditions, and a small cost of manufacture (col. 1, ll. 51-57).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Huang wherein the actuator elements are formed by silkscreen printing, because Yaniger teaches that this type of actuator has stable, predictable performance characteristics independent of manufacturing conditions, and a small cost of manufacture.

10. Claims 9, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Doynov as applied to claims 1, 5, and 6 above, and further in view of Yang, US 6,991,364 B2 (hereafter Yang).

a. Regarding claim 9:

The combination of Huang and Doynov teaches all that is claimed as discussed in the

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rejection of claim 6 above.

The combination of Huang and Doynov does not teach wherein the connection means are metal threads, wires, or tracks embedded in the layer of flexible material.

Yang teaches a same-hand control device of a multi-function watch (col. 1, l. 6), wherein connection means between actuators and the watch are metal threads, wires, or tracks embedded in the layer of flexible material (see wires, Fig. 9). Such wires allow a device to be controlled by the hand of a user that is associated with the same limb to which the device is secured (col. 1, ll. 40-42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Huang wherein the connection means are metal threads, wires, or tracks embedded in the layer of flexible material, because Yang teaches that wires allow a device to be controlled by the hand of a user that is associated with the same limb to which the device is secured.

b. Regarding claim 10:

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 5 above.

The combination of Huang and Doynov does not teach wherein the connection means are metal textile threads, hidden at least in part in an element for finishing the side of the wristlet.

Yang teaches a same-hand control device of a multi-function watch (col. 1, l. 6), wherein the connection means are metal textile threads, hidden at least in part in an element for finishing the side of the wristlet (see wires, Fig. 9). Such wires allow a device to be controlled by the hand

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of a user that is associated with the same limb to which the device is secured (col. 1, ll. 40-42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Huang wherein the connection means are metal textile threads, hidden at least in part in an element for finishing the side of the wristlet, because Yang teaches that wires allow a device to be controlled by the hand of a user that is associated with the same limb to which the device is secured.

c. Regarding claim 14:

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 1 above.

The combination of Huang and Doynov does not teach wherein at least one actuator element is disposed on the intermediate portion or the proximal portion of the wristlet, at a distance from the case.

It has been held that mere rearrangement of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(VI)(C).

Yang teaches a same-hand control device of a multi-function watch (col. 1, l. 6), with actuators provided in a variety of places (compare Figs. 7, 9 and 11). Such actuators allow a device to be controlled by the hand of a user that is associated with the same limb to which the device is secured (col. 1, ll. 40-42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Huang at least one actuator element is disposed on the intermediate portion or the proximal portion of the wristlet, at a distance from the case, because

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Yang teaches that a variety of actuator positions are possible, because a person having ordinary skill in the art would have been motivated by the nature of the problem to be solved, i.e. the optimal ergonomic arrangement for easy operation, to rearrange the actuators to find their optimal placement.

11 Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Doynov as applied to claim 1 above, and further in view of Olsson, US 4,244,044 (hereafter Olsson).

The combination of Huang and Doynov teaches all that is claimed as discussed in the rejection of claim 1 above.

The combination of Huang and Doynov does not teach wherein the wristlet includes an opening in the intermediate portion giving access to the back face of the case.

Olsson teaches a watch with a removable back plate, which is necessary for battery replacement and service access (col. 1, ll. 30-33).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Huang wherein the wristlet includes an opening in the intermediate portion giving access to the back face of the case, because Olsson teaches that modern watches require accessibility from the back for battery replacement and servicing, and an opening in the wristlet would facilitate such access.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
07 September 2006


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